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LIND-AF-HAGEBY, LIZZY

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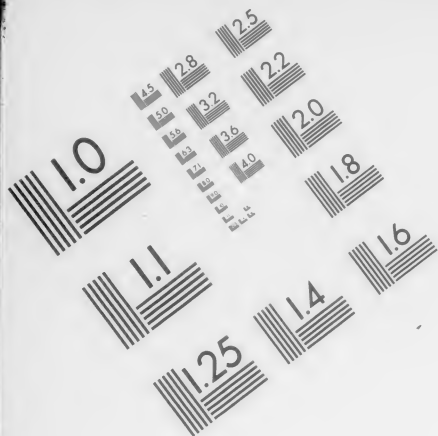
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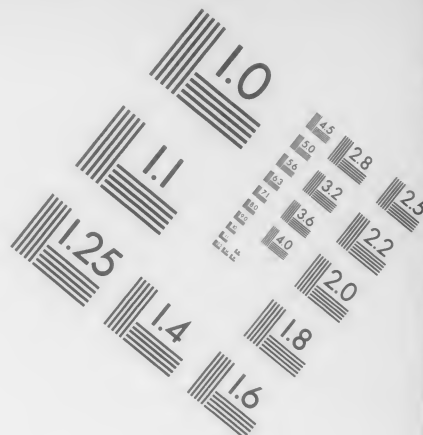
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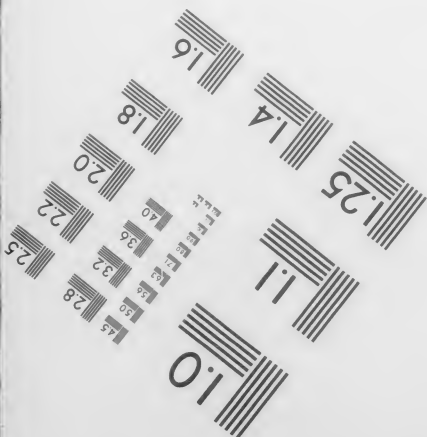
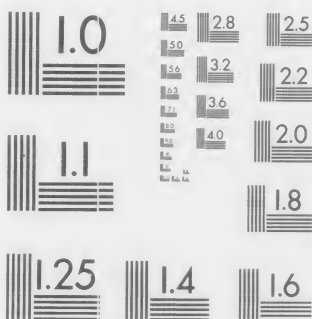
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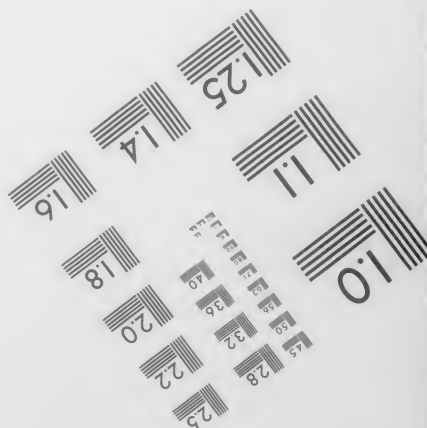
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Blue Book Lessons.

A Brief Survey of the first three Volumes of Minutes
of Evidence given before the

Royal Commission on Vivisection

BY

L. LIND-AF-HAGEBY

(In extension of Lectures given at the Caxton Hall).

PAMPHLET No. 1.

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The Admission of Pain.

To be obtained from Miss M. M. Dawson, 224, Lauderdale Mansions,
Maida Vale, London, W.

1906

*The Royal Commission on Vivisection was
appointed on Sept. 17th, 1906, and consists of
the following Members:—*

The Right Hon. VISCOUNT SELBY, Chairman.

The Right Hon. A. MARK LOCKWOOD, M.P.

Sir WILLIAM SELBY CHURCH, Bart., M.D.

Sir WILLIAM JOB COLLINS, M.D.

Sir JOHN MCFADYEAN, F.R.C.V.S.

Sir MACKENZIE D. CHALMERS,
Permanent Under-Secretary for the Home Department.

Mr. ABEL JOHN RAM, K.C.

Mr. W. H. GASKELL, M.D., F.R.S.

Mr. JAMES TOMKINSON, M.P.

Mr. GEORGE WILSON, M.D.

Extract from
THE CRUELTY TO ANIMALS ACT, 1876.

* * * * *

2. A person shall not perform on a living animal any experiment calculated to give pain, except subject to the restrictions imposed by this Act. Any person performing or taking part in performing any experiment calculated to give pain, in contravention of this Act, shall be guilty of an offence against this Act, and shall, if it be the first offence, be liable to a penalty not exceeding fifty pounds, and if it be the second or any subsequent offence, be liable, at the discretion of the court by which he is tried, to a penalty not exceeding one hundred pounds or to imprisonment for a period not exceeding three months.

3. The following restrictions are imposed by this Act with respect to the performance on any living animal of an experiment calculated to give pain; that is to say,

- (1.) The experiment must be performed with a view to the advancement by new discovery of physiological knowledge or of knowledge which will be useful for saving or prolonging life or alleviating suffering; and
- (2.) The experiment must be performed by a person holding such license from one of Her Majesty's Principal Secretaries of State, in this Act referred to as the Secretary of State, as is in this Act mentioned, and in the case of a person holding such conditional license as is hereinafter mentioned, or of experiments performed for the purpose of instruction in a registered place; and
- (3.) The animal must during the whole of the experiment be under the influence of some anæsthetic of sufficient power to prevent the animal feeling pain; and
- (4.) The animal must, if the pain is likely to continue after the effect of the anæsthetic has ceased, or if any serious injury has been inflicted on the animal, be killed before it recovers from the influence of the anæsthetic which has been administered; and
- (5.) The experiment shall not be performed as an illustration of lectures in medical schools, hospitals, colleges, or elsewhere; and
- (6.) The experiment shall not be performed for the purpose of attaining manual skill.

Provided as follows; that is to say,

- (1.) Experiments may be performed under the foregoing provisions as to the use of anæsthetics by a person giving illustrations of lectures in medical schools, hospitals, or colleges, or elsewhere, on such certificate being given, as in this Act mentioned, that the proposed experiments are absolutely necessary for the due instruction of the persons to whom such lectures are given with a view to their acquiring physiological knowledge or knowledge which will be useful to them for saving or prolonging life or alleviating suffering; and
- (2.) Experiments may be performed without anæsthetics on such certificate being given as in this Act mentioned that insensibility cannot be produced without necessarily frustrating the objects of such experiments; and

(3.) Experiments may be performed without the person who performed such experiments being under an obligation to cause the animal on which any such experiment is performed to be killed before it recovers from the influence of the anæsthetic on such certificate being given as in this Act mentioned, that the so killing the animal would necessarily frustrate the object of the experiment, and provided that the animal be killed as soon as such object has been attained; and

(4.) Experiments may be performed not directly for the advancement by new discovery of physiological knowledge, or of knowledge which will be useful for saving or prolonging life or alleviating suffering, but for the purpose of testing a particular former discovery alleged to have been made for the advancement of such knowledge as last aforesaid, on such certificate being given as is in this Act mentioned that such testing is absolutely necessary for the effectual advancement of such knowledge.

4. The substance known as urari or curare shall not for the purposes of this Act be deemed to be an anæsthetic.

5. Notwithstanding anything in this Act contained, an experiment calculated to give pain shall not be performed without anæsthetics on a dog or cat, except on such certificate being given as in this Act mentioned, stating in addition to the statements herein-before required to be made in such certificate, that for reasons specified in the certificate the object of the experiment will be necessarily frustrated unless it is performed on an animal similar in constitution and habits to a cat or dog, and no other animal is available for such experiment; and an experiment calculated to give pain shall not be performed on any horse, ass, or mule except on such certificate being given as in this Act mentioned that the object of the experiment will be necessarily frustrated unless it is performed on a horse, ass, or mule, and that no other animal is available for such experiment.

6. Any exhibition to the general public, whether admitted on payment of money or gratuitously, of experiments on living animals calculated to give pain shall be illegal.

Any person performing or aiding in performing such experiments shall be deemed to be guilty of an offence against this Act, and shall, if it be the first offence, be liable to a penalty not exceeding fifty pounds, and if it be the second or any subsequent offence, be liable, at the discretion of the court by which he is tried, to a penalty not exceeding one hundred pounds or to imprisonment for a period not exceeding three months.

And any person publishing any notice of any such intended exhibition by advertisement in a newspaper, placard, or otherwise shall be liable to a penalty not exceeding one pound.

A person punished for an offence under this section shall not for the same offence be punishable under any other section of this Act.

* * * * *

Composition.

In an article dealing with the Royal Commission on Vivisection which appeared in the *Morning Post* of March 4th, 1907, the following statement was made:—
“To put upon a body for judicial inquiry balanced numbers of extremists and experts on either side is to foredoom the Commission to the issuing of balanced majority or minority reports. The extremists and experts should come as witnesses.” Many anti-vivisectionists will agree with this view. But on this Commission there are some strongly balanced *extremists and experts on the side of vivisection*, and the desirable open mind and general freedom from professional bias are lacking from the outset. No expert anti-vivisectionist has been appointed to counterbalance the pro-vivisectional knowledge, experience, and wholehearted advocacy so amply represented. The “British Medical Journal” has indulged in some amusement over the expression “expert anti-vivisectionist.” The meaning, however, is plain enough. By expert anti-vivisectionist we understand a person who for a number of years has devoted his whole time to a careful study of anti-vivisection principles in their bearing upon the moral, scientific, and social aspects and results of animal experimentation. The three commissioners who justly may be regarded as “friendly” towards anti-vivisection can lay no claim to such qualification, and experience has proved their inability to handle anti-vivisection facts placed at their disposal or to grasp the whole subject with the insight and skill characteristic of experts on any side.

Lord Selby, the Chairman of the Commission, acted as Counsel for the defence of the vivisectionists in the Ferrier-Yeo case of 1881, a circumstance which may in some measure account for the greater ease with which

he understands and appreciates the arguments *in favour of vivisection* than those against it. Sir William Church's judgment seems to be "foredoomed" in a specially disquieting way. In an article in the "British Medical Journal" of Dec. 2nd, 1905, written in appreciation of the work of the late Sir John Burdon-Sanderson, Sir William Church goes out of his way to attack those who see in vivisection an immoral practice. Referring to the efforts made in 1883 by anti-vivisectionists (and notably among them Ruskin) to prevent the introduction of vivisection into Oxford he writes: "To veil their opposition to science and knowledge the opponents made vivisection the keynote of their attack and were *as regardless then of truth and fairness as are the anti-vivisectionists of to-day.*"* That a man, however eminent in medical science, who in public has accused the anti-vivisectionists of to-day of being regardless of truth and fairness should be called to act as a judge of the value of their evidence seems to transcend the boundaries of all judicial fairness. Sir William Church, who himself is one of the most active of the statutory signatories of certificates for extended vivisectional rights, places himself in a distinctly humorous position when he questions Mr. Byrne, a Principal Clerk in the Home Office, upon the *character* of the persons who sign the certificates and naturally receives the polite answer that "the position of these gentlemen appears to include every possible guarantee you could have of their competence" (150, 151.)

Dr. W. H. Gaskell is a vivisectionist of established eminence among his colleagues and some undesirable notoriety among humanitarians. His presence on the Commission has contributed not a little to the opposition and distrust with which its appointment was received. In his examination of witnesses he more than once betrays his exclusively vivisectionistic point of

* Italics ours.

view, as when he shows surprise at pupil-teachers being "so *rich* that they can afford monkeys to practise upon," entirely passing by the *moral* objection to the experiments on monkeys, recommended in the book which was being criticized by a witness (8873), or when, in questioning Mr. Byrne on the conditions attached to the granting of Certificate B., he describes the necessary preliminary of specifying the animal to be used as "very inconvenient" and causing "a good deal of delay" (253).

His most unrestrained expression of vivisectional ardour is perhaps contained in the two following questions to Inspector Thane:—

1763. (*Dr. Gaskell*). Do not you think it would save all the trouble with respect to the accusation of stealing dogs and cats, if the stray dogs that were going to be put in the lethal chamber were allowed to be used for laboratory purposes?—It would certainly save all the trouble.

1764. Would not that be the better way; would it not be the best thing, and would it not be a thing that this Commission ought to recommend? I mean to say in order to save entirely the accusation of any stealing, that the animals, after having been kept a number of days and not claimed, instead of going into the lethal chamber should be delivered to the laboratories on request. That seems to me to be a solution of all the difficulties with regard to the accusation of stealing, as to procuring dogs. Do you see any objection to that?—I do not see any objection to it myself.

Sir John McFadyean, another commissioner to whose influence vivisectionists look with the greatest confidence, was, according to the latest Return, actively engaged in vivisection experiments in 1906, enjoying the privilege of permission to dispense with the employment of anæsthetics, to use horses, mules or asses, or to extend the scope of his observations beyond the specified laboratories. His solicitude for the success of the evidence tendered by the defenders of vivisection finds an amusing expression during the examination of another licensed vivisectionist, when Sir John McFadyean, anxious to render assistance, intervenes with the words: "*Might I help the witness by saying that it is the*

Timothy grass bacillus." Sir Mackenzie Chalmers, one of the permanent Under-Secretaries for the Home Department, occupies an equally anomalous position as a commissioner, for being partly responsible for the maladministration of the Act of 1876, his place, like that of the vivisectors, and those intimately concerned with its administrative machinery, should be that of a witness and not of a judge.

Conduct of its Proceedings.

The Royal Commission was appointed "*to inquire into and report upon the practice of subjecting live animals to experiments, whether by vivisection or otherwise*; and also to inquire into the law relating to that practice and its administration, and to report whether any, and if so, what changes are desirable." A careful examination of the proceedings of the first 21 days will show a strange discrepancy in what the ruling spirit of the Commission regards as legitimately within its scope of inquiry. Anti-vivisectionist witnesses have repeatedly been brought to book for supposed irrelevancy, both when dealing with the ethical and scientific sides of the question, whilst no such complaint has been made against a single witness for vivisection.

Though the terms of reference, above quoted, clearly lay down a two-fold object of the inquiry—the first being concerned with the broad examination of the whole subject of animal experimentation—several attempts at limiting the scope of inquiry have been made under circumstances which unmistakeably demonstrate a wish to exclude anti-vivisectionist evidence, deemed unsuitable. A medical witness on the anti-vivisectionist side, the object of whose evidence was to show the scientific worthlessness of vivisection, and who for that purpose entered into the subject of physiology, was admonished in these words: "Our Commission is to inquire into the question whether the present Act,

regulating the experimentation on animals, requires amending. We are not inquiring as to whether physiology is a useful science . . . or as to whether the method of inquiry into it by experiments on animals is one that is futile altogether and leads to no results" (5281). But the numerous and lengthy dissertations on physiology and kindred sciences and their progress through vivisectional methods, which have been delivered before the Commission by representative vivisectors, have met with no such obstruction. Scientific theories and medical subjects, by no means directly connected with the immediate object of the Royal Commission, fill pages of the published evidence and embody the most extravagant and exaggerated faith in the all-powerful and saving grace of vivisection.

Tables and statistics, which indeed have nothing to do with the Act of 1876, have been freely inserted by pro-vivisectionists, nay more, politely invited by the Chairman. The misleading and highly fanciful—though from the vivisector's point of view, no doubt, decorative—diagram of "Lister's work and what has followed from it" which appears on page 42 of the Third Volume, is also a strange comment on the ruling of the Chairman, referred to above. The limitation of the inquiry to the Act and possible amendments has been periodically insisted on, but never during the course of pro-vivisectionist evidence. The same medical witness on anti-vivisection whose exposition of the fallacies of experimental physiology was checked, was subjected to another reminder from the Chair when she drew attention to the dangerous tendency among certain members of the medical profession to take a greater delight in the artificial production of disease in animals than in the healing of disease in human beings. "That is not a thing that can be dealt with by an amendment of the law relating to experiments on animals," said Lord Selby, "It is getting a very long way from that" (5403). Colonel Lockwood then supports the Chairman by ask-

ing whether the witness has ever looked to see what they are sitting there to inquire into, whereupon he reads the terms of reference to her, adding: "That is the limit of our inquiry."

A one-sided interpretation of the limit of the inquiry would be perfectly intelligible and even command respect, *provided it were insisted on always*. But even a casual reader of the questions asked by the Royal Commissioners, must be struck by the arbitrary and widely divergent interpretation of the limit, applied to the two contesting parties who offer information.

Supposing the Act, its administration and possible amendments, were all the Commission had a right to deal with, how then can we explain the wide and exhaustive interest in the history of drugs, diseases, medicine, surgery, and serum-therapy, which has been displayed when these subjects have been dealt with by pro-vivisectionists? Even the introduction of inter-medical squabbles has been encouraged, as, for instance, the attack on Sir Lauder Brunton by Sir James Barr, which, indeed, carried the attention of the Commission "a very long way" from the Act. Lord Selby protested against hearing cases of indefensible experiments on human beings, brought forward by an anti-vivisectionist as the outcome of experiments on animals, on the ground that they were not cases of a breach of the law, and therefore not germane to vivisection (8763, 8764, 8777, 8779). "I think we must make an end of these quotations on a subject which is not really before us," said the Chairman (8781), but he made "no end" of quotations by pro-vivisectionists, intended to show the outcome of vivisection from their point of view. Another anti-vivisectionist brought a number of physiological text-books, used in British medical schools, before the Commission. She quoted several passages from these books with the object of drawing the attention of the Commission to the unreliability of vivisectional anaesthesia as recommended in

these books for students. She was informed by the Chairman that "this is really a little outside our inquiry as to what doctors write in books and recommend" (7238), and "we are not so much concerned as to what doctors have written on the question, and what the effect of light or heavy anaesthesia would be upon animals as upon what is done" (7239).

This sounds practical enough, and, were it possible to get at "what is done" without the intervention and aid of written and published documents of any kind, the injunction as to what doctors "write in books and recommend" might be reasonable. But in their anxiety to preserve the practice of vivisection and to prove the existence of incalculable benefits derived from it, its defenders have consistently and unavoidably fallen back upon "what doctors write in books," and the published record of the remarks of the Chairman during their pleading betray no want of confidence in deducing that what is recommended and written is also being "done."

One anti-vivisection witness was pulled up by Sir Mackenzie Chalmers with the following words: "What is the use of your coming here to tell us what somebody else says?" (8860) The witness had been speaking of a Memorial presented, in the autumn of 1903, to Mr. Gregory Foster by the female students in the Slade School of Art, and dealing with the hindrance to their studies caused by the cries of the vivisected animals at University College. In view of Inspector Thane's previous denial in his evidence of the existence of any serious complaint against registered places, the reference to this Memorial was *specially relevant* and the information given should, in the interest of truth, have been welcomed and followed up by the Commission. When the same witness, continuing her protest against the practices at University College, spoke of two candidates for the Borough Council who had told her that they became anti-vivisectionists because of the cruelties which they had witnessed at University College, Lord Selby

administered another rebuke: "We cannot have that. If these gentlemen connected with the Borough Council think the Laboratory is badly conducted they can come and say so." But when the witness expressed her belief that the gentlemen would be willing to give evidence, the suggestion was apparently not received with much favour, and she was told that they "have had many witnesses on both sides." Sir Mackenzie Chalmers then completed the snub which he had begun by remarking "First-hand evidence here is the only evidence that is of use to us." Another anti-vivisection witness, who was following the usual course of substantiating his opinion by corroborative evidence, was subjected to the following restriction by the Chairman: "I do not think that quoting a number of opinions of people to the same effect helps us; you are giving your evidence, but not the evidence of all these people" (8760); and later on: "I really think that reading the opinions of a number of people, or saying I have got a number of opinions or letters written to me by people who agree with me is a thing that we cannot have. . . ." (8780).

Another instance of this particular form of curtailing the resources of anti-vivisection evidence is afforded on page 30 of the 3rd Volume of Evidence. The Chairman, having asked a question with regard to a certain experiment on a frog, the elucidation of which required a somewhat fuller explanation than could be given in an answer of Yea or Nay, resented the proffered reply in the following words: "If it is what somebody else says about it on that particular case, I am afraid we must have the witness before us. We cannot have your account of what another witness may say about it."

The questions and answers appertaining to the examination of the defenders of vivisection contain some interesting contrasts in connection with the prohibition to cite "what somebody else says." That prohibition is evidently only thought necessary for anti-vivisectionists.

When Sir Lauder Brunton, with little apparent rele-

vancy (the questions being concerned with a vivisected dog), suddenly embarks upon a tale of a celebrated surgeon who two days ago did an operation upon a patient who was "almost dead" when he came to the surgeon, and ended by being "very comfortable" (7036), there is no demand for the prompt production of the anonymous surgeon or the restored patient, and no interruption from the Chair to the effect that: "We cannot have that. If this gentleman did perform this successful operation on a patient that was almost dead, he can come and say so." And upon this occasion Sir Mackenzie Chalmers has no strong opinions as to "first hand evidence being the only evidence that is of use to us," for when a verification of the patient's happy state is offered he politely declines it with: "*I will take it from you, of course*" (7037).

Hearsay and second-hand evidence is particularly prominent in Sir G. Fletcher Moulton's panegyric of vivisection, the rhetorical flights and flowery romance of which more than once soar far above the ground of solid fact. He tells the Commission with perfect impunity a story about an experiment performed by *a medical acquaintance of a friend of his* (12709), and when he is unable to give the name of this doctor and even admits the possibility that the experiment so tellingly related *never took place* there is no severe calling to order, but in its place a graceful relegation by the Chairman of the would-be "fact" to the admissible category of mere illustration. At a later stage in his evidence he even enjoys the latitude of being allowed to quote a "*phrase which somebody has used*" (12783),—the selected phrase being a very trite remark about giving your brains a chance and your heart a rest.

Restrictions with regard to time and place are evidently also only desirable in anti-vivisection evidence. When Professor Cushny, a licensed vivisector, gave an account of the scientific value of certain experi-

ments, performed before the present Act by Sir Lauder Brunton, the Chairman found nothing objectionable in their relation. But when an anti-vivisectionist felt in duty bound to draw the attention of the Commission to *the very same experiments* for the purpose of proving that Professor Cushny's description was not in accordance with the facts (4660A), and that from the moral point of view these experiments on unanæsthetized and insufficiently anæsthetized animals were undoubtedly cruel and brutal, Lord Selby informed her that "it is taking up time unnecessarily" to discuss how an operation was performed before 1876 (7380), and "it does not help us much now to describe those experiments" (7390). The witness was further told by the Chairman that he did not see the object of reading out an account of these experiments, and readers of the evidence are therefore forced to the conclusion that the Chairman has allowed his personal preference for the arguments in favour of vivisection to direct his judgment to a degree which is scarcely consistent with the strict adherence to impartiality which should be inseparable from a public inquiry.

Other opponents of vivisection have also been confronted with this one-sided time-limit. One was told by Sir William Church that reference to some experiments was "of no importance, because it is not to the point, as those experiments were done sixty and seventy years ago" (5475), and another was reminded by the same commissioner that the work in which Dr. Sidney Ringer's experiments on human beings are recorded was published "long ago, before the Act" (8773).

Meanwhile pro-vivisectionists are allowed to roam in unrestrained liberty among the scientific mists of the past. The works of Zambecarius in 1670, of Roonhuyzen in 1672, of Spallangani in 1783, are not considered outside the pale of useful evidence. Experiments which took place early in the last century are repeatedly brought in, the presentation of a history of German

experiments performed as far back as 1867 is licensed by the Chairman (9797).

An anti-vivisection witness who ventures to quote Cicero draws down the following criticism from Colonel Lockwood: "With all respect to Cicero it is evidence we are asking for, not what the gentleman said originally or now" (5398). To bring Cicero into the proceedings of the Royal Commission on Vivisection may or may not be relevant, but his name should at any rate be as equally admissible as those of Adam and Columbus, introduced by the Chairman (12726, 12802).

The impossibility of dealing in an adequate manner with the subject of animal experimentation by data from one country alone is fully recognised by the Commission when the defenders of vivisection give evidence. Here, too, anti-vivisectionists have had to contend with obstacles in their way. "This Commission has only got to deal with vivisection as practised within the limits of the three kingdoms," declared Sir John McFadyean in the course of a would-be smart examination of an anti-vivisection witness (8424), and Lord Selby protests "against the opinions of foreign physiologists, who are acting under totally different laws altogether from ours on the question whether or not we ought to alter our laws," when another witness refers to the views of Professor Metchnikoff (8757). And further, when the witness speaks of experiments on human beings in asylums and hospitals in Germany and America, the Chairman says: "I do not think we can have all these views of foreign gentlemen" (8765).

It would be a somewhat formidable task to count the number of foreign gentlemen and their views which have been brought before the Commission by pro-vivisectionistic witnesses. Besides the demi-gods, Pasteur, Koch, and Behring, their evidence teems with the lesser lights of all nationalities, such as Roux, Ehrlich, Cohnheim, Leber, Reisinger, Stilling, von Hippel, von Gräfe, Deutschman, Hess, Salomonsen, Klebs, Löffler, Kita-

sato, von Schroeder, Szymonowicz, Cervello Bauman, Kast, Carle, Rattone, Nicolaier, Rosenbach, Gamaleia, etc., etc.

A German treatise by Klencke published at Leipzig in 1843, and a French one by Villemin, published in France in 1865, are introduced without protest, and what foreign "*doctors write in books*" is not despised.

The director of the Lister Institute of Preventive Medicine presents a table of figures relating to the mortality amongst persons bitten by dogs and not treated by the Pasteurian inoculations, in which every number and word relates to foreign observers and localities, and statistical compilations relating to diphtheria treatment and mortality in a number of countries—from Paris, St. Petersburg, and Buda-Pesth—are embodied in his evidence. Lord Selby asks Sir Henry Swanzy a question relating to the corneal endothelium, discovered by Leber in 1873, and after having been informed of the German origin of this discovery the Chairman asks for further details concerning it (9805, 9814). When Mr. Morris offers the Commission information relating to the *Japanese Army*, the Chairman encourages him, and the Commissioners listen to an account taken from Baron Takaki's "*Military Hygiene of the Japanese Army*," dealing with the healing of wounds (7745). German statistics of tetanus in the Franco-German war are also deemed suitable for quotation. The Chairman himself introduces the *Swiss valleys* into the inquiry by asking a vivisector if a certain "remedy" has been tried there (6960).

One anti-vivisection witness spoke of experimental vivisections of patients in Vienna. He was immediately caught up by Sir John McFadyean, who interposed: "This evidence relates to Vienna—which is not germane to our inquiry" (8322). If we accept this statement as expressing a reasonable and general limitation we cannot but wonder why three vivisectors have been allowed to bring Semelweiss of Vienna, the Viennese

ophthalmologist, Koller, and the Viennese surgeon, Billroth, to the notice of the Royal Commission. America is presumably also tabooed to the anti-vivisectionist whilst permissible ground for the pro-vivisectionist. "I think you might confine your evidence to English books." . . . and "I do not think you add anything by going to American books," said Lord Selby to a witness belonging to the former party, who was quoting from American text-books with English publishers (7253). The reference to a publication by an Englishman, Dr. Sidney Ringer, containing accounts of unjustifiable experiments on patients, was discredited as evidence on the ground that the book was published in New York (8771, etc.).

Yet a citation showing that in 1852 the professor of midwifery at Philadelphia preferred to attribute cases of puerperal fever to Providence rather than to contagion was not deemed beyond the time and space limit when coming from the lips of the Director of the Lister Institute (11647), nor statistical tables of diphtheria mortality in New York and Chicago laid before the Commission by the same witness, nor a statement describing outbreaks of tetanus in America after the celebration of Independence Day, made by the President of the Royal College of Surgeons.

Descriptions of the *cruelties* of foreign vivisectors have been totally prohibited in anti-vivisection evidence, but attempts to demonstrate the *kindness* of foreign vivisectors, as viewed through the eye-glasses of their British colleagues, have been quite admissible. Thus Sir Lauder Brunton when asked a question about inhumanity in England extended his answer so as to include Professor Ludwig in Leipzig, and told the Commission that this vivisector "was always most careful of the feelings of the animals that were experimented upon" (7105). There were no indignant protests against hearing the views of this "foreign gentleman," and when later on Professor Schäfer also referred in laudatory

terms to Ludwig, and pointed to Dr. Gaskell as a fellow-worker in the German vivisector's laboratory, Lord Selby upheld the evidence by asking a question relating to Germany (10050, 10051).

So much impatience and want of sympathy have been manifested with regard to hearing the ethical objections to vivisection that the public may well ask by what process of reasoning the Commission have arrived at their interpretation of the former part of the terms of reference. The whole anti-vivisection cause, the existence of the two Royal Commissions on Vivisection, the defence and elaborate arguments for the preservation of the practice offered by vivisectors are the direct outcome of a moral revolt, the sources and trend of which no one can ignore who desires a full knowledge of the subject. If the ethical question be irrelevant and outside the purview of the present inquiry, if the Act of 1876 and matters of immediate connection with it be the sole object of its activities, then, the scientific questions involved—physiological, pathological, bacteriological discourses—should be equally irrelevant.

Even a casual glance at the first three Volumes will show that the "scientific" evidence largely outweighs the "ethical." The pro-vivisectionistic evidence exceeds that given against vivisection by 38 pages. At a time when the purely ethical statements of anti-vivisectionists represented 7 pages in a total of 325, Lord Selby delivered himself of the following warning to an anti-vivisectionist:—

"We have had a good deal of evidence on the ethical question. . . . the Commission . . . have heard it at a length from some witnesses which makes it unnecessary for them to hear it at the same length from others. . . . the points are really short and capable of being shortly put. . . . I do not think we ought to call upon you or invite other witnesses to enlarge upon this question, because it really comes to our hearing a certain number of speeches in favour of certain opinions. . . . when we have heard these propositions stated fully two or three times, it is almost as much as our minds will absorb on the same point." . . . (8633).

A gracious concession to the effect that the Commissioners were ready to admit the right of certain considerable classes of the community to put their ethical views before the Commission *quite shortly*, though they could not continue to hear *long written statements* serves but to intensify the general impression of the difference in the acceptance of evidence presented by the two parties.

Lord Selby's weariness of the ethics of anti-vivisection finds another outlet when later on he addresses the following admonition to another anti-vivisectionist: "I hope that you will place that (ethical ground) before us very shortly; we have had it at extreme length already" (10692).

Another is told that: "We cannot have an essay on humanity as being within the scope of our inquiry" (5399), the word "essay" being used several times as a reproach and preventive to anti-vivisectionists on the point of answering questions or offering information. And yet Sir John Fletcher Moulton was allowed not only to read "a little essay in answer to a question," but to lecture to the Commission at great length on the "ethics" of vivisection, the report of the proceedings suggesting rather an appreciative audience listening for hours to an interesting lecturer, whose flow of words is occasionally interrupted by questions from grateful listeners, than the Royal Commission who feel that two or three doses of anti-vivisection ethics are almost as much as their minds can absorb on the same point. Lord Selby hailed Sir John Fletcher Moulton as "a highly qualified observer," and so great was apparently the satisfaction with his bombastic and highly inconsequent oration that inaccuracies and palpably false analogies were passed by unchallenged.

The contrast of the treatment of the "highly qualified observer" and those who hold anti-vivisection views is instructive. The latter were asked to answer "without unnecessary comment" (5326) or informed that their evi-

dence was in the nature of "a partisan description" (5323) (it would be interesting to know whose was not?) or plied with personal queries regarding their authority or right to express any opinions on the subject or politely told to go, before the conclusion of their evidence, by: "I do not think we need keep you any longer" (8759). How different is Lord Selby's deferential and polite remark to the Director of the Lister Institute, made at the outset of the latter's evidence: "No doubt there is a great deal that we shall learn from it" (11637).

Whilst repetition is strongly objected to during anti-vivisection evidence, and the fear of having "things twice over" (7197, 5282), is more than once expressed, repetitive liberty is granted to pro-vivisectionists. As an instance we may mention pro-vivisectionistic expositions of the nature and treatment of diphtheria, given by Messrs. W. H. Power, F. Taylor, the President of the Royal College of Surgeons, and at great length by the Director of the Lister Institute, whose evidence was not cut short because of its being a "repetition of the evidence of previous witnesses."

An unmistakeable indication of Lord Selby's attitude is afforded by the fact that he allowed Sir Lauder Brunton to give an extract of Professor Huxley's views upon the absurdity of legal restrictions of scientific cruelty when other cruelty is left untouched (6991), *whilst he forbade an anti-vivisectionist to read a letter by Professor Huxley to Darwin*, in which the inhumanity of a certain vivisector was severely criticized, on the ground that this letter was not relevant (10672). The Chairman's opinions with regard to relevancy are worthy of a careful examination by everybody who attaches any importance to the impending report of the Royal Commission. He thinks that moral evidence on the anti-vivisection side "has little or nothing to do with our inquiry" (8782), that a letter telling of "howls of agony from dogs" in a laboratory also does not touch upon their inquiry (11453), and he objects to hearing the

anti-vivisection convictions of Shakespeare, Browning, Tennyson, etc., read out (8729). Meanwhile his interest in the scientific and medical resources of the defenders of vivisection is active and comprehensive, and extends to details, as when he asks Sir H. R. Swanzy to tell the Commission about the use of *argyrol* (9845).

The desirability of the admission of the Press to the sittings of the Royal Commission on Vivisection was keenly felt and repeatedly expressed at the time of its appointment. Common experience of "human nature" will, we believe, lead readers of the evidence to conjecture that the proceedings would have been conducted in a different way, had the Inquiry been held in public.

How the Home Office has Restricted Vivisection by Licences and Certificates.

The revelations of the administration of the Act of 1876, which have been made before the Commission, are such that all illusions concerning the so-called "restriction" of vivisection in this country should for ever be dispelled from the public mind. In 1906, 402 licensees were empowered by the Secretary of State to perform experiments on live animals; according to the latest Return they carried out no less than 46,073 experiments, of these 2,786 were in the nature of cutting operations, and 43,287 were performed on unanæsthetized animals, the experiments being reported as "inoculations, hypodermic injections and some few other proceedings." The system adopted by the Home Office of granting licences and allowing certificates under the Act is most satisfactory from the vivisector's point of view. The path of the intending vivisector is not paved with difficulties. The candidate secures the necessary papers and obtains the approval of one of the statutory signatories under the Act who himself may be a vivisector. Even a cursory glance at the list of august "scientific

authorities" who recommend licences and grant certificates shows that vivisectors have the right to recommend one another to their hearts' content, and that the recommendation regarded by the uninformed as a guarantee of fitness is largely a matter of exchange of compliments in the brotherhood of vivisectors. Thus Professor Halliburton is recommended by Professor Starling; Doctor Brodie by Professors Halliburton and Starling, and Professor Cushny by Professor Starling. The perfect unity, sympathy and faith which characterize these proceedings is still more marked by the fact that among the persons officially responsible for Professor Starling's right to vivisect is—Professor Starling.* The acceptance by the Home Office of this arrangement shows that its supervision of the persons authorized to recommend licences and to grant certificates is not in accordance with the Act, which provides that: "Where any person applying for a certificate under this Act is himself one of the persons authorized to sign such certificates, the signature of some other of such persons shall be substituted for the signature of the applicant." The Home Secretary displayed an astonishing ignorance of this proviso of the Act, when on July 18th, 1907, in answer to Mr. Smeaton he stated in the House of Commons that "Professor Starling was a professor of physiology, and the signing of his own licence relieved him of the necessity of getting the signature of another professor of physiology."† As according to Mr. Byrne, licences are renewed annually at a certain date (48), the possible explanation that Professor Starling's recommender was not himself, but his predecessor at University College, is untenable, and it would therefore appear, not only that a vivisector may

* See the Parliamentary Return of Experiments on Living Animals during 1906.

† See Parliamentary Debates, Tenth Volume of Session, Thursday, 18th July.

acquire his rights in opposition to the letter of the Act, but also that the Home Secretary may be unacquainted with the requirements of the law which he is called upon to administer.

The Home Secretary, upon receiving the recommendation, consults the "Association for the Advancement of Medicine by Research." This Association exists for the purpose of encouraging vivisection and assisting and defending vivisectors, and should certainly be called by a less misleading name. According to Mr. Byrne's evidence the Home Office receives in every case advice from the Association in regard to applicants for licences and certificates (173), and, according to Professor Starling, any person who holds a licence to vivisect becomes *ipso facto* a member of the Association (3860), the object of its whole membership being favourable to the promotion of vivisection (3866).

The report of the Association is then submitted to the Inspector, or Assistant Inspector (1097), who, after having added his approval to that of the preceding promoters of vivisection, leaves the formal permission to be granted by the Home Office. According to Mr. Byrne "all applications coming as they do from competent persons and being recommended by competent persons are granted" (167). And he adds that "a refusal is the very rarest occurrence." The Home Secretary will give a licence "to please and protect the applicant rather than refuse it" (130). The Inspector has admitted that his advice to the Home Secretary as to the granting of licences is not influenced by any inquiry into the humanity of the applicant (400).

It is only natural that Professor Starling should express satisfaction with the present arrangements. In answer to Sir Mackenzie Chalmers he said: "I think the Act is a clumsy one, but the administration of it has been as good as was possible" (3998).

The Farce of Inspection.

The total number of experiments performed in 1903, 1904, and 1905 in England and Scotland was 89,581. During these three years the united labours of the two Inspectors for Great Britain, Dr. G. D. Thane and Sir James Russell, led them to witness 93 experiments at a cost to the country of 2,550 guineas,* whilst 89,488 experiments were left uninspected. Upon taking office, Sir James Russell, the Assistant Inspector, received instructions from Dr. Poore, the late Inspector, that he was not to act as a detective (1085), a rule which we feel sure that he has faithfully adhered to. Neither of the two inspectors give their whole time to the supervision of the 402 licensees in their charge (187). Sir James Russell has never been instructed to make surprise visits (532), and, when asked by Sir William Collins if he gives notice of his intention to visit, he answers in the following characteristic way :—

“Very rarely, it does not suit my own convenience to give notice. In former times I was really so busy that I could not have held the office if I had had to make appointments. I just go when it suits myself, and I often do not know when and where I am going. It happens that I find I am free for a whole day or half a day, and I use it for an inspection” (533).

The inspectors trust the vivisectors in a way which may be very polite, but which is scarcely consistent with the special duties of their calling. Thus, in speaking of the experiments upon animals, performed by the Royal Commission on Tuberculosis, Mr. Thane shows a humility which is entirely out of place by saying: “If the Tuberculosis Commission want to test these things, I think they are the best judges of whether they are necessary or not. I should not think that my opinion was of anything like so much value as theirs is” (1119), and the

* See the Home Secretary's answer to Mr. Donald Smeaton in the House of Commons, March 27th, 1907.

absolute inefficiency of the so-called inspection is emphasized by the following answer to a question asked by Dr. Wilson :—

“In all such cases, then, as those, no matter how distinguished or well-accredited a licensee may be, have you not to depend solely on the good faith of the licensee that all the conditions of the Vivisection Act are duly observed?—We have to depend largely on the good faith of the licensee, which is controlled by what I call the public opinion of the laboratory” (1390).

He feels comfortably satisfied that experiments are carried out “as humanely as possible” (1162). The Home Office participates in Mr. Thane's confidence in the vivisectors to an alarming degree. Mr. Byrne told the Commission that the Home Office is sure that a feeling “aiming at” greater humanity is present in the mind of every experimenter (224), and, in speaking of certain experiments carried out under the instruction of the Board of Agriculture in unregistered places, such as farms and folds, and not under the control of the inspector, he abandons all pretence of vigilance by remarking that: “It is quite as secure as if the Home Office saw to it” (286).

There can be little doubt that the farcical results of the “inspection” of vivisectors are—though primarily the effects of ridiculously inadequate provisions—to a great extent due to the appointment as inspectors of men who are in no way especially fitted to undertake the work. A professor of anatomy or doctor of laws, a magistrate and bailie, or even a Lord Lieutenant of Edinburgh may render excellent service to their country in their various capacities, but it does not at all follow that they are the most suitable judges of animal pain and suffering. It is obvious that a competent inspector of animal suffering should be a veterinary surgeon and a person qualified to understand the symptoms of distress and pain in animals—often differing entirely from those in man—moreover, one particularly trained thoroughly to comprehend the vagaries of vivisectional anaesthesia.

Neither Mr. Thane nor Sir James Russell seem to realise that they should above all be *the guardians of the animals* experimented upon. Sir James Russell refers to a laboratory in which the operated-upon dogs are "always a nuisance" to him (553), and he demonstrates his want of inspectorial thoroughness by saying that he could see no difference between an intact cat and one that had had a portion of its skull and part of its brain removed (651). Sir James Russell seems to be more fond of what Professor Starling calls farm-animals than of those which in contradistinction are named *laboratory animals*—the unlucky pets of Science—for, when asked by Mr. Ram whether a goat or a calf could not be used for certain experiments instead of a dog or cat or monkey, he reveals a trace of common human sentiment, unwarrantable and inexplicable from the purely scientific point of view, by declaring that he does not like the idea, because he is rather fond of goats and does not see "why the difficulties of the dog should be rolled over to the goat" (609, 610). We do not know whether Sir James Russell looks upon the "difficulties" of the vivisected dogs as a just retribution for some previous transgressions on the part of our canine friends, or if that view is the basis of his somewhat unsympathetic reference to them as "a nuisance."

Every year Mr. Thane, the Chief Inspector, presents a Report to Parliament showing the number and nature of experiments performed. The peculiar value of this report lies in the fact that it is based entirely on the account which vivisectors choose to give of their own proceedings. "I receive reports of experiments from the licensees, and from them I prepare the Return which is presented to Parliament each year" (327), said Mr. Thane in the course of his evidence, and in answer to a question by Colonel Lockwood as to the means of discovering cases of misconduct under the Act, Mr. Byrne told the Commission that: "They nearly always appear from the return, made by the experimenter himself—they

are disclosed by himself; which goes to show, if further proof were wanted, that they are mostly inadvertencies" (144). Nobody doubts that the breaches of the Act, disclosed by the experimenters themselves, are "inadvertencies", but the chief interest of the public is centred on the cases that are not so disclosed, and for the discovery of which no provisions are made.

In his evidence Inspector Thane has confessed his want of knowledge of the doings in the vivisectional laboratories, for he acknowledged that but for the *Bayliss v. Coleridge* trial in 1903, he would not have known that the Brown Dog "had been used for two experiments" (1564), and that so far as he knows there may be other cases of a similar kind (1565). He also gave proof of an ignorance of the Act of 1876, which would be startling were it not shared by a personage on the highest step of its administrative ladder. Mr. Thane did not feel sure whether Professor Starling's handing-over of the Brown Dog to Mr. Bayliss for a third vivisection was legal or not, and said that he was not quite clear about it (1558). And this statement was made in the face of the absolutely clear proviso of the Act which relates to the granting of Certificate B, and lays down that an animal shall be killed as soon as the object of the experiment has been attained. Two vivisections and two months of cage-life, meted out to the Brown Dog by Professor Starling, were unfortunately perfectly legal under Certificate B, but, inasmuch as he acknowledged that his object had been attained after his second operation, the subsequent transference of the unfortunate dog to the hands of Mr. Bayliss constituted a distinct contravention of the Act which no subterfuges can explain away.

The Admission of Pain.

The purpose of the positive part of the Act of 1876, *i.e.*: the regulations relating to the granting of licences, is to protect animals which "are subjected when alive to experiments calculated to inflict pain." The infliction of pain for scientific purposes is made legal by the latter and negative part of the Act, relating to the granting of Certificates A, B, etc., which respectively allow experiments without anæsthetics and several operations on one animal which may be kept alive in a state of mutilation and suffering until the object of the vivisector has been attained. The amount of suffering which it is permissible for a vivisector to inflict under Certificate B, can be estimated from some answers given by Mr. Thane to the Commission. He said that: "It does not follow that when the disease is developed, the object of the experimenter is achieved necessarily. He may want to study the course of the disease" (1315), and that there is no statutory requirement that the operator should kill the animal before it becomes in a state of acute pain (1212).

Though, as we have seen, the number of experiments witnessed by the two inspectors is extremely small, the miseries of the laboratory animals are too evident to escape their attention altogether. Mr. Thane has seen animals "suffer" when kept alive for observation after operations under Certificate B (1550). He refers to animals in "severe shock" after both the suprarenal glands have been excised, and points out that the experiment of removing a portion of the second kidney or of taking away the thyroid gland "makes the animal very ill," also that some operations on vessels, ligature of arteries and veins "are followed by severe illness" (472). Sir James Russell has found animals, which had been subjected to experiments, suffering pain (541), he has seen animals infected with plague which seemed to him "miserable and dying, evidently in suffering" (543).

Mr. Thane admits that even in the so-called painless experiments, those performed under Certificate A without the use of anæsthetics, the infection or injection is in some cases followed by "great pain and suffering," especially the injection of tetanus toxin, the infection with plague and the insertion of certain drugs (457).

In view of the misleading and inaccurate statements intended to convince the public of the painlessness of animal experimentation, which repeatedly have been made by the defenders of vivisection, and in particular by Mr. Stephen Paget, the accounts of the two inspectors above quoted should give food for reflection to those who have had nothing but scorn and contempt for anti-vivisection evidence of the existence of pain.

In the "Daily Mirror" of December 13th, 1906, there appeared a singularly misleading and fanciful letter by Mr. Paget,* in which the writer stated that "we must not assume suffering even after inoculations that take effect"; and that "these mice, guinea pigs, and rabbits are no worse off than we are. They have got, like us, to die of something, and they die of it." It would indeed be futile to deny that we have all got to "die of something," but, in the face of the admissions of Inspector Thane—supposing we had no other sources of information or experience—it is doubtful whether even the most enthusiastic admirer of experiments on animals would choose to die from the effects of scientific injections of plague or tetanus.

"One can imagine," said Professor Starling in answer to question 4019, "*that in a pathological laboratory a certain amount of suffering might be an essential part of the experiment, so that although the animal was suffering it would not be right to kill it.*" . . . and he is anxious not to assert that under no circumstances the infliction of pain may be justifiable (4020).

* In this respect page 269 of the third and revised edition of his "Experiments on Animals" is also remarkable.

The alleged painlessness of vivisection will, we feel sure, henceforth be a discarded weapon in the defence of vivisection.

Mr. Stewart Stockman, a licensed vivisector, and Chief Veterinary Officer of the Board of Agriculture and Fisheries, gave the following answer to Colonel Lockwood: "There must be pain in some operations, I think; but I say that I do not want to give evidence on that physiological question what is pain and how much is inflicted" (2614).

Mr. W. H. Power, Medical Officer of the Local Government Board, acknowledged in his evidence that no doubt "pain or uneasiness will afterwards arise in cases where disease is the result of the experiment" (4299).

Major L. Rogers, M.D., being asked by Sir William Church whether the animals in which rinderpest has been artificially produced for the purpose of furnishing blood for inoculations suffer much, gave the following answer: "They certainly must suffer. The disease is more nearly like typhoid than any other human disease; you get ulceration of the intestines, and you get a high temperature, 104° or so, and the animals soon become drowsy, rather like a typhoid patient; and when they get to that stage I do not think they suffer much, but they get violent diarrhoea and running from the nose. They must suffer to some extent. . . As soon as they have fully developed the disease they are bled to death. In that way you get your blood for injecting, and the animal is put out of pain" (8239, 8240).

Sir Henry A. Swanzy's (President of the Royal College of Surgeons, Ireland) evidence contains some noteworthy admissions of pain:

9951. *Dr. Wilson*. "The eye, of course, is a very sensitive organ to pain?"—"Yes."

9952. "Would not the insertion of foreign substances into the eye for experimental purposes be likely to produce a great deal of pain?"—"Yes, they would as a rule."

9953. "And, of course, in experimenting on animals, although

for cutting operations cocaine or anæsthetics may be used in the first instance, they could not be used continuously while the animal was under observation?"—"No."

9954. "So that the animal must be more or less in a suffering condition while under observation?"—"No doubt there would be suffering in many instances."

This admission, made by the ex-president of the Ophthalmological Society of the United Kingdom, should be studied by Mr. Stephen Paget, whose enthusiasm for vivisection generally outweighs his experience or knowledge, and who states in his "Experiments on Animals" "that inoculations into the anterior chamber of the eye sound cruel, but cocaine renders the surface of the eye wholly insensitive," and then employs some of his usual halting analogy to show that such animals suffer no pain (page 269).

The Director of the Lister Institute, Mr. C. J. Martin, has added his testimony with regard to the pain produced by inoculations:—

11828. *Dr. Wilson*. "Whenever diseased conditions are produced in animals by these experiments, do you concede that the element of pain can never be eliminated altogether?"—"I imagine that it is not entirely eliminated, either the element of pain or the want of feeling of well-being."

11829. "Discomfort?"—"I do not know whether it is. I certainly think that in some cases there is discomfort."

11830. "And in some cases where death ensues after injections there might be a good deal of pain, of course?"—"In some cases there may be."

Professor Starling acknowledges that a dog from which the whole of the pancreas has been removed suffers from "a diabetes which is fatal in three or four weeks," and that the animal becomes emaciated and "feels ill" (4042, 4043, 4044).

We hail with satisfaction these lapses into comparative frankness which confirm the accusations made by anti-vivisectionists and prepare the way for the abolition of vivisection.



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